

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bohm, Christer; Bostrom, Anders; Disen, Elling; Holm, Lukas; Lindgren, Per; Zachrison, Martin

Assignee: Net Insight AB

Title: Method And Apparatus For Switching Data

Serial No.: 09/581,776 Int'l. Filing Date: December, 17 1998

Examiner: Unknown Group Art Unit: Unknown

Docket No.: AB-1006 US

BOX PCT
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

ATTENTION: PCT LEGAL OFFICE

DECLARATION OF TORBJÖRN LINDMARK IN SUPPORT OF RENEWED
PETITION UNDER 37 CFR 1.47(a) IN CONNECTION WITH AN INVENTOR WHO
REFUSES TO SIGN DECLARATION

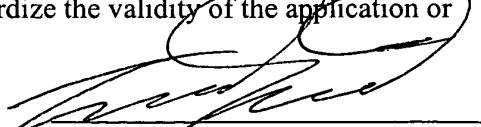
Dear Sir:

I, Torbjörn Lindmark, hereby state:

I am an attorney with the firm Vinge (known in Swedish as Advokatfirman Vinge) in Sweden. On or about the end of September 2000 I contacted Elling Disen at the request of Roland Johansson of Net Insight, who had failed to get Mr Diesen to sign the declaration associated with the above-identified patent-application. At the phone call I had with Mr Diesen, I was informed by Mr. Disen that he was reluctant to sign the declaration and that he would contact his union official. Shortly thereafter his union official contacted me via telephone and explained that Mr. Disen did not want to sign any declaration. The explanation offered was that the parties had agreed on the termination of Mr. Disen's employment (in 1999) and that Mr. Disen therefore did not consider himself to have any obligations to assist Net Insight in this matter.

I hereby declare that all statements made herein of my own knowledge are true and that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 10th August 2001



Torbjörn Lindmark

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bohm, Christer; Bostrom, Anders; Disen, Elling; Holm, Lukas; Lindgren, Per; Zachrison, Martin

Assignee: Net Insight AB

Title: Method And Apparatus For Switching Data

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Docket No.: AB-1006 US

San Jose, California
August 22, 2001

BOX PCT
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Attention: PCT Legal Office

RECEIVED

18 OCT 2001

Legal Case

International P.

Dear Sir:

The above national application (which has an international filing date of December 17, 1998) was filed June 16, 2000 in the United States Patent and Trademark Office/Elected Office without the inventors' signatures.

A "Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" was mailed by the United States Patent and Trademark Office on July 13, 2000. In response, on November 13, 2000, a Declaration Under 37 C.F.R. §1.63 was sent to the United States Patent and Trademark Office along with a "Petition Under 37 CFR 147(a) In Connection With An Inventor Who Refuses To Sign The Declaration." Subsequently, on May 15, 2001, a "Decision Under 37 CFR 1.47(a)" was

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791080 v1

mailed to Applicants' attorney dismissing the petition without prejudice for failure to provide "factual proof that the missing joint inventor refuses to execute the application."

Enclosed with this Renewed Petition Under 37 CFR 1.47(a) is a Declaration by Joakim Wihlsson, IPR Manager of Net Insight AB and also a Declaration by Mr. Torbjörn Lindmark. Attached to Mr. Wihlsson's Declaration is a letter dated August 1, 2001 sent by Mr. Wihlsson to Mr. Disen enclosing a copy of U.S. Patent Application Serial No. 09/581,776 (mistakenly stated in the body of the letter to be Serial No. 09/581,775, but properly identified in the footnote listing the enclosure as Serial No. 09/581,776) which was filed in the United States Patent and Trademark Office in the national phase on June 16, 2000 claiming the benefit of the December 17, 1998 international filing date. Mr. Disen replied to Mr. Wihlsson's August 1, 2001 letter by instructing Mr. Wihlsson to "please talk to P.S. Sundberg." Apparently Ms. Sundberg is Mr. Disen's representative or attorney. This particular message from Mr. Disen to Mr. Wihlsson does not indicate that Mr. Disen is willing to sign the Declaration and indeed to this date Mr. Disen has not done so. A Declaration by Roland Johansson, formerly an employee of Net Insight AB, the assignee of this application, setting forth the facts associated with Net Insight's attempt to obtain Mr. Disen's agreement to sign the Declaration of another patent application filed in the United States Patent and Trademark Office on behalf of Net Insight is attached to Mr. Wihlsson's Declaration. The attitude of Mr. Disen reflected in Mr. Johansson's Declaration is the same attitude being shown by Mr. Disen in connection with Net Insight's request that Mr. Disen sign the Declaration associated with this patent application.

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Mr. Lindmark's Declaration sets forth the substance of Mr. Lindmark's conversation with both Mr. Disen and with Mr. Disen's union representative. Both clearly indicated that Mr. Disen would not sign the Declaration for this patent application.

Applicants have now established that the non-signing inventor, Mr. Disen, was presented with the specification, claims and drawings of this patent application (MPEP 409(3)(d)) and has again not indicated a willingness to sign the Declaration.

Accordingly, reconsideration of the November 13, 2000 "Petition Under 37 CFR 147(a) In Connection With An Inventor Who Refuses To Sign The Declaration" is requested.

Granting of the Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on or about November 13, 2000, is respectfully requested.

EXPRESS MAIL LABEL NO:

EL 276 259 135US

Respectfully submitted,


Alan H. MacPherson
Attorney for Applicants
Reg. No. 24,423

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christer Bohm, Anders Bostrom, Elling Disen, Lukas Holm, Per Lindgren, Martin Zachrisson

Assignee: Net Insight AB

Title: Method And Apparatus For Switching Data

Serial No.: 09/581,776 Filing Date: December 17, 1998

Examiner: Unknown Group Art Unit: Unknown

Docket No.: AB-1006 US

San Jose, California
August 22, 2001

BOX PCT
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

PETITION FOR EXTENSION OF TIME

Dear Sir:

Applicants respectfully petition for a 2-month extension of time within which to respond to the May 15, 2001 Decision Under 37 CFR 1.47(a), such extension allowing the undersigned until September 15, 2001 to respond.

Please charge the amount of \$195.00 to Deposit Account No. 19-2386. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 19-2386. This Petition for Extension of Time is being submitted in duplicate.

Express Mail Label No.:
EL 276 259 135 US

Respectfully submitted,


Alan H. MacPherson
Attorney for Applicants
Reg. No. 24,423

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christer Bohm, Anders Bostrom, Elling Disen, Lukas Holm, Per Lindgren, Martin Zachrisson

Assignee: Net Insight AB

Title: Method And Apparatus For Switching Data

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Docket No.: AB-1006 US

BOX PCT
ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Attention: PCT Legal OfficeDECLARATION OF JOAKIM P.M. WIHLSSON

Dear Sir:

I, Joakim P.M. Wihlsson, IPR Manager for Net Insight AB, hereby state:

1. On August 1, 2001, I sent to Mr. Elling Disen at Svarvargatan 5, SE-112 49, Stockholm, Sweden, the letter attached hereto as Exhibit A.
2. Listed as an enclosure to my letter at the bottom of the letter was International Appl. PCT/SE98/02360m equivalent to US Appl. 09/581,776 (incl. descr, Claims and Drawings) as well as the Assignment and Recordation Form together with the Notice Under 35 U.S.C. 371.
3. In the second paragraph of my letter, I referred to U.S. Patent application serial no. 09/581,775 which, unfortunately misstated the serial no. due to a typographical

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error. The serial no. should have been stated as 09/581,776 as properly set forth in my description of the enclosures accompanying the letter at the bottom of the letter.

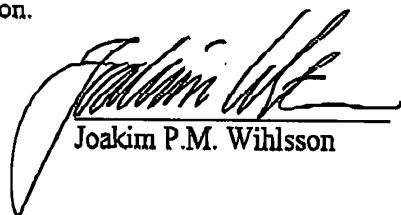
4. I referred in this paragraph to June 16, 2000, the national filing date of this application in the United States Patent and Trademark Office.
5. I asked that Mr. Disen sign and return to Net Insight AB the Declaration together with the attached patent application so that we would be able to file the Declaration with his signature thereon in the United States Patent and Trademark Office.
6. I enclose a copy of Mr. Disen's email response to my letter dated 3 August 2001 as Exhibit B.
7. In this response, Mr. Disen stated "Please talk to Pia Sundberg."
8. Mr. Disen clearly did not indicate any willingness to comply with my request and sign the enclosed Declaration. I interpret his response as declining to sign the Declaration just as Mr. Disen had earlier declined to sign another U.S. patent application when requested to do so by a representative of Net Insight AB, as set forth in paragraph 9, below.
9. I enclose as Exhibit C, a Declaration of Roland Johansson filed in Application Serial No. 09/535,438 which summarizes the negotiations that Mr. Johansson had with Mr. Disen's representative, Pia Sundberg, in an attempt to come to terms under which Mr. Disen would sign the Declaration associated with another patent application. Mr. Johansson, then working for Net Insight AB, was unable to come

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to terms with Mr. Disen's representative and accordingly, Mr. Johansson, on the instructions of Net Insight AB, ceased negotiating with Mr. Disen's representative to obtain Mr. Disen's signature on the Declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 21, 2001
Date


Joakim P.M. Wihlsson

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Mr. Elling Disen
Svarvargatan 5
SE-112 49 Stockholm

August 1, 2001

Our Ref.: TAG SWITCH-1997-05-OC-US

Dear Mr. Disen:

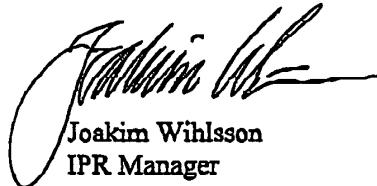
I am well aware of the fact that you have requested to be contacted via your representative at the Swedish Engineers' Association (CF), Ms Pia Sundgren in all matters regarding Net Insight AB. However, the regulations of the USPTO prescribe that correspondence of this kind is sent directly to you. Therefore, I am afraid we cannot conform to your request this time.

I enclose a copy of U.S. Patent application serial no. 09/581,775, which was filed in the United States Patent and Trademark Office on June 16, 2000. We kindly ask that you sign and return to us the declaration together with the attached patent application so that we will be able to file the declaration with your signature thereon in the United States Patent and Trademark Office.

Please let me know immediately should you decide for any reason not to adhere to our request.

Kind regards,

NET INSIGHT AB



Joakim Whilsson
IPR Manager

Encl. International Appl. PCT/SE98/02360, equivalent to US Appl. 09/581,776 (incl. Descr, Claims and Drawings)
Assignment
Recordation Form
Not. Under 35 U.S.C. 371

EXHIBIT A

Subject: Please talk to my attorney
Date: Fri, 03 Aug 2001 19:09:59 +0200
From: Elling Disen <elling@chello.se>
To: joakim.wihlsson@netinsight.se

Dear Mr Wihlsson,

please talk to Pia Sundberg :

Pia Sundberg, ombudsman
Civilingenjörsförbundet
Box 1419, 111 84 Stockholm
Tfn: 08 - 613 82 73
Tfn vxl: 08-613 80 00
Fax: 08-796 71 02
E-post: pia.sundberg@cf.se
Hemsida: <http://www.cf.se>

Elling Disen

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Anders Bostrom, Christer Bohm, Per Lindgren, Elling Disen
Assignee: Net Insight AB
Title: Method, System And Apparatuses For Transferring Information
Between Nodes In A Circuit Switched Time Division Multiplexed
Network
Serial No.: 09/535,438 Filing Date: March 23, 2000
Examiner: Unknown Group Art Unit: 2739
Docket No.: AB-971-1P US

BOX DAC
COMMISSIONER FOR PATENTS
Washington, D. C. 20231

DECLARATION OF ROLAND JOHANSSON

Dear Sir:

I, Roland Johansson, hereby state:

1. On or about March 5, 2001, I sent to Mr. Disen at the following address, namely

c/o Williamsson
Svarvargatan 5
SE-112 49
Stockholm, Sweden

a copy of the above-referenced application including specification, claims and drawings, a declaration for patent application, together with an assignment to Net Insight AB of all Mr. Disen's interest in the invention described and claimed in the above-referenced application.

2. On or about May 1, 2001, I spoke to Mr. Disen's representative and attempt to reach an agreement with his representative on the terms under which Mr. Disen would sign the Declaration associated with this patent application.

EXHIBIT C

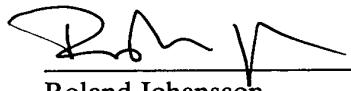
3. Mr. Disen's representatives set terms on Mr. Disen's cooperation which are unacceptable to my company, Net Insight AB.

4. Accordingly, my company, Net Insight AB, has instructed me to cease negotiating with Mr. Disen about obtaining his signature on the declaration.

I hereby declare that all statements made herein of my own knowledge are true and that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9th May, 2001

Dated



Roland Johansson